

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT**  
**MINUTES**  
**ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER**  
**January 10, 2019 – 5:30 P.M.**

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe, Griffin Hanna and Bob Cooper.

Chairman Keesee then called for a motion on the minutes from the December 11, 2018, meeting. Commissioner Sharpe made one amendment. Commissioner Taylor moved, seconded by Commissioner Hanna, to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

**1. Conditional Use #2-1-19; A request by Carmen Geoates, agent, for Brunswick Properties, LLC, for a Specialty Manufacturing at 101 North 10<sup>th</sup> Street, Suite B.**

Chairman Keesee introduced item 1. Ms. Brenda Andrews read the staff report indicating approval of the conditional use would allow Garmen Geoates, owner for Keep it Gypsy, to utilize a suite within Brunswick Place to manufacture leather purses. Ms. Andrews stated that a neighborhood meeting was held Thursday, December 18, 2018, at 101 North 10<sup>th</sup> Street, Suite B. No neighboring property owners or adjacent tenants attended the meeting. She stated that the applicant has proposed to purchase a portable air filtration system to eliminate the odor associated with the laser machine that is used in the process.

Carmen Geoates was present to represent the application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the conditional use. Commissioner Taylor moved, seconded by Commissioner Morris, to approve the conditional use, subject to the following staff comments:

- The elimination of the odor associated with the laser machine by either installing the proposed air filtration system or by other methods compliant with the building and fire codes and applicable CBID Design Guidelines.
- The replacement of the plywood in the window adjacent to North 10<sup>th</sup> Street with the glass that was removed or with the same type and tint of glass.
- The removal of the vents installed through the window opening associated with the laser machine.

- If any signage is proposed, the applicant shall submit a sign permit application to the planning department for review and approval and in compliance with CBID signage regulations.
- Revise the current business license application to reflect the land use of Specialty Manufacturing.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the conditional use with staff comments. The vote was 8 in favor and 1 abstention (Cooper). Chairman Keesee announced the conditional use was approved.

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### **2. Variance #4-1-19; A request by Tim A. Risley and Associates, agent, for Palmer-Hanson, LLC, for minimum number of parking spaces at 8620 Rogers Avenue.**

Chairman Keesee introduced item 2. Ms. Maggie Rice read the staff report indicating approval of the variance would allow the building permit to be issued for the new tenant (nail salon) and allow the shopping center to continue as currently leased. Ms. Rice indicated that a neighborhood meeting was held on January 2, 2019, at 10:00 a.m. at 6101 Phoenix Avenue. No surrounding property owners were in attendance.

Larry Hall was present to represent this application.

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the variance. Commissioner Wilson moved, seconded by Commissioner Taylor, to approve the variance, subject to the following staff comments:

- The mix of tenants in the shopping center needs to stay substantially the same with regards to the parking requirements established with this variance approval. The variance approval will allow 86 parking spaces in lieu of the UDO required 141 parking spaces. Additional or new businesses that increase the parking space requirement from 141 parking spaces will require a revised variance application to be approved by the Board of Zoning Adjustment.
- Parking shall not be permitted on South 87<sup>th</sup> Street.
- A joint parking agreement with the adjoining development is encouraged.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the variance with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

- 3. Variance #1-1-19; A request by Everett Fields, agent, for Roy and Klona Holland, from 51 parking spaces to 29 parking spaces at 7501 Rogers Avenue.**
- 4. Conditional Use #1-1-19; A request by Everett Fields, agent, for Roy and Klona Holland, for a Restaurant (with outdoor dining) at 7501 Rogers Avenue.**

Chairman Keesee introduced item 3 and 4. Ms. Brenda Andrews read the staff reports indicating approval of the requested variance and conditional use would allow the redevelopment of the property with a new Raising Cane's restaurant with a total of 110 seats, including 80 seats indoors and an outdoor dining area with 30 seats with 29 minimum parking spaces. Ms. Andrews reviewed the parking analysis that the applicant had submitted as justification for their variance.

LuAron McCormack representing Raising Cane's spoke about the applications and the parking analysis.

A representative of the Residence Inn Marriott at 3005 South 74<sup>th</sup> Street spoke in favor of the variance stating that many of their customers would walk to the restaurant as opposed to driving.

David Harris of 2025 South V Street spoke in opposition of the variance request.

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Laster, to approve the variance.

Following the discussion, Chairman Keesee then called for a vote on the motion to approve the variance. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

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- 4. Conditional Use #1-1-19; A request by Everett Fields, agent, for Roy and Klona Holland, for a Restaurant (with outdoor dining) at 7501 Rogers Avenue.**

Chairman Keesee called for a motion on the conditional use. Commissioner Cooper moved, seconded by Commissioner Newton, to approve the conditional use, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All shrubs and trees being used shall be on the approved plantings list or provide information showing the shrubs or trees will thrive in this zone.

- The landscaping buffer shall form a continuous screening to a height of 3' within 2 years.
- All exterior building and site lighting shall comply with the UDO, Section 27-602-5.

There being no discussion. Chairman Keesee called for a vote on the motion to approve the conditional use with staff comments. The vote was 8 favor and 1 opposed (Sharpe). Chairman Keesee announced the conditional use was approved.

- 5. Master Land Use Plan Amendment #1-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, from Residential Detached to Neighborhood Commercial at 4105 Newlon Road.**
- 6. Variance #3-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, from 40,000 sq. ft. to 36,600 sq. ft. minimum lot area at 4105 Newlon Road.**
- 7. Rezoning Application #2-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, for a zone change from Residential Single Family-Duplex Medium/High density (RSD-3) to Transitional by classification at 4105 Newlon Road.**
- 8. Development Plan#1-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, for a development plan approval for a Doctor's Office and Clinic at 4105 Newlon Road.**

Chairman Keesee introduced items 5, 6, 7, and 8. Ms. Maggie Rice read the staff reports indicating approval of the master land use plan amendment, variance, rezoning, and development plan would allow for the construction of a doctor's office and clinic for Premier Health. Ms. Rice stated the purpose of the clinic is to serve the employees of OK Foods. Ms. Rice indicated that a neighborhood meeting was held Thursday, December 13, 2018, at 3415 Newlon Road (Morrison Elementary School). There was one neighboring property owner in attendance at the neighborhood meeting. The neighboring property owner had no objections to the project as did a caller earlier the same week.

Dan Parker was present to represent these applications.

No one was present to speak in favor or opposition of these applications.

Chairman Keesee called for a motion on the master land use plan amendment. Commissioner Cooper moved, seconded by Commissioner Sharpe, to approve the master land use plan amendment.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the master land use plan amendment. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the master land use plan amendment was approved.

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- 6. Variance #3-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, from 40,000 sq. ft. to 36,600 sq. ft. minimum lot area at 4105 Newlon Road.**

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Laster, to approve the variance.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the variance. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

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- 7. Rezoning Application #2-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, for a zone change from Residential Single Family-Duplex Medium/High density (RSD-3) to Transitional by classification at 4105 Newlon Road.**

Chairman Keesee called for a motion on the rezoning. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the rezoning.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the rezoning. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the rezoning was approved.

- 8. Development Plan#1-1-19; A request by Dan Parker, agent, for Khanh Le and Diem Nguyen, for a development plan approval for a Doctor's Office and Clinic at 4105 Newlon Road.**

Chairman Keesee called for a motion on the development plan. Commissioner Taylor moved, seconded by Commission Newton, to approve the development plan, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- All exterior building and site lighting shall comply with the UDO, Section 27-602-5.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the development plan with staff comments. The vote was 9 in favor and 0 opposed. Chairman Keesee announced the development plan was approved.

**9. Rezoning Application 1-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. for a zone change from not zoned to Commercial Light (C-2) by classification at 7700 Wells Lake Road.**

**10. Variance #2-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. from UDO Section 27-602-4(C)(2) Predominant Building Materials at 7700 Wells Lake Road.**

**11. Conditional Use #3-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. for a church at 7700 Wells Lake Road.**

Chairman Keesee introduced items 9, 10, and 11. Ms. Brenda Andrews read the staff reports indicating approval of the rezoning, variance and conditional use would facilitate the development of a one-story, 10,193 s.f. church with 248 seats, 65 parking spaces, and landscaping. Ms. Andrews stated that a neighborhood meeting was held Thursday, December 27, 2018. 5:30 p.m. at the River Valley Community Church at 7030 Taylor Avenue. A representative of one surrounding property attended the meeting and had several questions about the proposed detention pond, requested C-2 zoning, and the proposed building materials.

Ms. Andrews stated that based on concerns regarding the proposed C-2 zoning, staff recommended a Residential Single Family Medium/High Density (RS-3) zoning district. She stated that she had previously spoken to Mr. Coleman about the change to RS-3 and the applicant had agreed to the change in the zoning request.

Randell Coleman was present to represent these applications.

Jennifer Sheehan with the Arkansas Game and Fish Commission was present to represent the Janet Huckabee Arkansas River Valley Nature Center at 8300 Wells Lake Road. Ms. Sheehan stated that she had questions about the footprint of the project and the proposed detention pond. However, she stated that she had spoken to Randy Coleman prior to the meeting and had no opposition to the project.

Mr. Coleman stated that based on Ms. Sheehan's concerns the location of the detention pond will be relocated away from the wooded area and moved toward the proposed parking area. Mr. Coleman stated that he would stay in touch with Ms. Sheehan on the design of the site.

Chairman Keesee called for a motion on the rezoning. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the rezoning to RS-3.

There being no discussion, Chairman Keesee called for a vote on the motion to approve the rezoning. The vote was 8 in favor and 1 abstention (Keesee). Chairman Keesee announced the rezoning was approved.

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**10. Variance #2-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. from UDO Section 27-602-4(C)(2) Predominant Building Materials at 7700 Wells Lake Road.**

Chairman Keesee called for a motion on the variance. Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the variance.

Chris Estill with Hight-Jackson Associates architectural firm spoke about the variance request to allow steel metal panels as the predominant material on the exterior of the church. Mr. Estill stated that the proposed metal panels were complimentary to the architectural style of the church. Regarding the durability of the panels, Mr. Estill stated that the panels proposed were the highest gauge available.

Commissioner Wilson moved, seconded by Commissioner Taylor, to amend the motion to approve the variance on the condition that the massing of the building is not changed. Any changes to the massing of the building will require planning commission/board of zoning adjustment approval

Chairman Keesee called for a vote to amend the motion. The vote was unanimous to amend the motion.

Following the discussion, Chairman Keesee called for a vote on the amended motion to approve the variance. The vote was 7 in favor, 1 opposed (Newton), and 1 abstention (Keesee). Chairman Keesee announced the variance was approved.

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**11. Conditional Use #3-1-19; A request by Randell Coleman, agent, for River Valley Church, Inc. for a church at 7700 Wells Lake Road.**

Chairman Keesee called for a motion on the conditional use. Commissioner Cooper moved, seconded by Commissioner Hanna, to approve the conditional use, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

- All exterior lighting must comply with the UDO Commercial and Outdoor Lighting requirements.
- Modifications to the massing of the building shall require planning commission/board of zoning adjustment approval.
- Submittal of a final landscaping plan.
- A sign permit application must be submitted for all proposed signs.
- Chaffee Crossing DRC approval will be required for the variance to allow steel metal panels as the predominant exterior building materials.

Following the discussion, Chairman Keesee called for a vote on the motion to approve the conditional use with staff comments. The vote was 8 in favor and 1 abstention (Keesee). Chairman Keesee announced the conditional use was approved.

There being no further items, the meeting adjourned at approximately 6:45 p.m.